

**FACSIMILE MESSAGE****FROM THE OFFICES OF:****MARKS & CLERK****Registered Patent & Trade-Mark Agents**Your Ref: Appln. No.10/608,614Date: November 9, 2004Our Ref: 5346-14FROM: Gerald A. GowanTO: Company: USPTOAttention: Examiner James Bidwell - Group Art Unit 3651Fax #: 1-703-746-4000# OF PGS INCL COVER: 49**COMMENTS:****Re: US Patent Application No. 10/608,614 - Inventor: Ivan MUCHALOV**
"Conveyor Transfer Assembly"**Includes:**

Fax cover Sheet - 1 page

Transmittal Form - 1 page

Fee Transmittal Form - 1 page

Payment of Issue Fee - 1 page

Information Disclosure Statement Cover Letter & enclosures - 13 pages

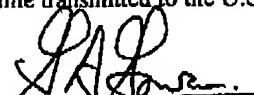
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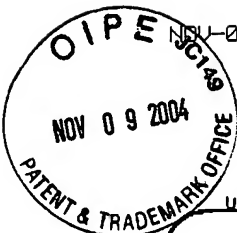

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/608,614
	Filing Date	June 30, 2004
	First Named Inventor	MUCHALOV
	Art Unit	3651
	Examiner Name	James R. Bidwell
Total Number of Pages in This Submission	Attorney Docket Number	5346-14

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
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<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Information Disclosure Statement is being filed after allowance	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
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Signature	
Date	November 9, 2004

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Date	Nov 9/04

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905 827 5087 P.05/49

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Application of: IVAN MUCHALOV Docket No.: 5346-14
US Serial Number: 10/608,614
Filed: June 30, 2003
Title: Conveyor Transfer Assembly
Group Art Unit: 3651 Examiner: James R. Bidwell

Commissioner of Patents
Alexandria, Virginia 22313-1450

BY FACSIMILE
1-703-872-9306

November 9, 2004

Sir:

The above named application was allowed on August 9, 2004 and a completed form for payment of the Issue Fee and the publication fee is **enclosed**. However, also **enclosed** is an Information Disclosure Statement which is being filed in respect of the above identified application. Applicant herewith cites recently identified prior art which may be material to the patentability of the application and which is listed on the enclosed completed Information Disclosure Statement Form(s), namely USPTO forms PTO/SB/08A, and/or PTO/SB/08B.

Pursuant to the requirements set forth in 37 C.F.R. § 1.56 and § 1.97, and having regard to the provisions of 37 C.F.R. § 1.97(c) and 1.97(e)(1), the attention of the Examiner is invited to the documents listed on the attached Form(s).

Copies of the newly identified Patent Documents are **enclosed**.

It is to be noted that the filing of this information disclosure statement is not to be construed as a representation that a search has been made; or to be construed as an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §§ 1.56(b).

The documents listed herein resulted from the International Search Report issued in respect of the corresponding PCT application, namely PCT/CA2004/000968. The Search Report

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was mailed by the European Patent Office in its capacity of International Searching Authority (ISA) for Canadian applicants, on October 22, 2004. A complete copy of the Search Report is enclosed and the Examiner will note that all documents listed therein were categorized by the Search Examiner as being in category "A" which is a "document defining the general state of the art which is not considered to be of particular relevance".

Also enclosed is the Written Opinion of the ISA indicating in their opinion that the PCT application has met the criteria for novelty, inventive step and industrial applicability.

As such, it is not expected that this newly identified art raises any new issue concerning patentability. However, these documents are being disclosed in accordance with the Applicant's on-going duty of disclosure in respect of the present application.

With respect to the named prior art, the Applicant comments as follows:

DE 1259781

The Applicant does not have a translation of this document. However, with respect to this document, the ISA Examiner provided the comments that are set out in the enclosed documents with respect to document "D1".

In view of these comments, the Applicant believes that this document is not destructive of patentability of the present application.

FR 1593129

The Applicant also does not have a translation of this document. However, it is believed that this document merely provides a method of moving materials from one conveyor to another and there is no attempt to, *inter alia*, maintain at least a portion of one conveyor stationary with respect to the support structure as the material is being moved.

US Publication 2002/0060133

This publication merely describes a method for producing a specimen conveying system where specimens can be transferred from a conveyor to a "motor vehicle" using belt conveyors. It does not function in the same fashion as the conveyor system of the present invention.

US 6116842

This document was previously identified in an earlier Information Disclosure Statement. It is mentioned here for completeness but it is expected that the Examiner has previously reviewed this document.

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Applicant believes that, through submission of this Information Disclosure Statement, all attempts have been made in good faith to address all outstanding issues. Thus, entry of this Information Disclosure Statement into the records of this application, is earnestly solicited.

This Information Disclosure Statement is being filed in accordance the Rules and Regulations of the United States Patent and Trade Mark Office, as indicated below, namely:

- () A. Within one of the following time periods
 - () (1) Within three months of the filing date of a national application other than a continued prosecution application under §§ 1.53(d);
 - () (2) Within three months of the date of entry of the national stage as set forth in §§ 1.491 in an international application;
 - () (3) Before the mailing of a first Office action on the merits; or
 - () (4) Before the mailing of a first Office action after the filing of a request for continued examination under §§ 1.114.
- () B. After the period specified above, but before the mailing date of any of a final action under §§ 1.113, a notice of allowance under §§ 1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by one of:
 - () (1) The statement specified in 37 CFR 1.97(e); or
 - () (2) The fee set forth in §§ 1.17(p).
- (☒) C. After the period specified in part B. herein, but is being filed on or before payment of the issue fee and is accompanied by:
 - (1) The statement specified in 37 CFR 1.97(e); and
 - (2) The fee set forth in §§ 1.17(p).

Statement under 37 CFR 1.97(e), where applicable, and where indicated:

- (✓) That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
- () That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §§ 1.56(c) more than three months prior to the filing of the information disclosure statement.

Respectfully submitted,
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